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6  
 7 UNITED STATES DISTRICT COURT  
 8 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
 9 SAN JOSE DIVISION

10 ACCLARENT, INC.,

Case No.: CV10-03311-JF

11 Plaintiff(s),

12 v.

13 ENTELLUS MEDICAL, INC.,

14 Defendant(s).

)  
 )  
 ) **STIPULATION AND (PROPOSED)**  
 ) **ORDER EXTENDING TIME FOR**  
 ) **DEFENDANT ENTELLUS TO**  
 ) **RESPOND TO COMPLAINT AND**  
 ) **CHANGING DATES SET FORTH IN**  
 ) **JANUARY 18, 2011 SCHEDULING**  
 ) **ORDER PURSUANT TO CIV. L.R. 6-2(a)**

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1 WHEREAS, Plaintiff Acclarent, Inc. (“Acclarent”) filed its Complaint against Defendant  
2 Entellus Medical, Inc. (“Entellus”) in the above-captioned action on July 28, 2010;

3 WHEREAS, Entellus was served with the Complaint on November 19, 2010;

4 WHEREAS, Acclarent has requested two previous extensions of the dates set forth in the  
5 Court’s July 28, 2010 Order Setting Initial Case Management Conference and ADR Deadlines  
6 (“Order”), and the parties stipulated to two further previous extensions, the last extension having  
7 been granted on January 18, 2011 (“January 18, 2011 Order”);

8 WHEREAS, the January 18, 2011 Order provided for an enlargement of time for Entellus to  
9 respond to the Complaint to January 27, 2011;

10 WHEREAS, the above-captioned action was reassigned to Judge Fogel for all further  
11 proceedings on January 21, 2011;

12 THEREFORE, in light of the parties’ ongoing settlement efforts and pursuant to L.R. 6-  
13 2(a), the parties through their counsel hereby stipulate and agree that the dates set forth in the  
14 January 18, 2011 order be continued by 30 days to allow the parties to continue their settlement  
15 discussions as follows:

16 1. The parties shall meet and confer re: initial disclosures, early settlement, ADR  
17 process selection, and discovery plan; file an ADR Certification signed by parties and counsel; and  
18 file either a Stipulation to ADR Process or Notice of Need for ADR Phone Conference on or before  
19 March 7, 2011;

20 2. The parties shall file a Rule 26(f) Report, complete initial disclosures or state  
21 objection in the Rule 26(f) Report and file a Case Management Statement on or before April 1,  
22 2011;

23 3. The Initial Case Management Conference shall be continued to April 8, 2011 at  
24 10:30 a.m.; and

25 4. Entellus shall file a response to the Complaint on or before February 28, 2011.  
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Dated: January 26, 2011

Respectfully Submitted,

ATTORNEYS FOR DEFENDANT ENTELLUS  
MEDICAL, INC.

By: /s/ Michael R. Petrocelli  
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1 I hereby attest that I have on file written permission to sign this stipulation from all parties  
2 whose signatures are indicated by a “conformed” signature (/s/) within this e-filed document.

3  
4 /s/ Michael R. Petrocelli  
5 Michael R. Petrocelli  
6

7 **(PROPOSED ORDER)**

8 It is hereby ORDERED that all dates are continued 30 days:

9 1. The parties shall meet and confer re: initial disclosures, early settlement, ADR  
10 process selection, and discovery plan; file an ADR Certification signed by parties and counsel; and  
11 file either a Stipulation to ADR Process or Notice of Need for ADR Phone Conference on or before  
12 March 7, 2011;

13 2. The parties shall file a Rule 26(f) Report, complete initial disclosures or state  
14 objection in the Rule 26(f) Report and file a Case Management Statement on or before April 1,  
15 2011;

16 3. The Initial Case Management Conference shall be continued to April 8, 2011 at  
17 10:30 a.m.; and

18 4. Entellus shall file a response to the Complaint on or before February 28, 2011.  
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21 IT IS SO ORDERED.

22  
23 DATED: 1/31/11

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25 JEREMY FOGEL  
26 United States District Judge  
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